

into the State of Pennsylvania of a quantity of olive oil that was misbranded. The article was labeled in part: "One Gallon Elephant Brand Imported Virgin Olive Oil Embro Import Co. Sole Distributors."

It was alleged to be misbranded in that the statement "One Gallon," borne on the can, was false and misleading and was borne on the can so as to deceive and mislead the purchaser since the cans contained less than 1 gallon of the article. It was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was not correct.

On October 11, 1937, pleas of guilty were entered on behalf of the defendants; and the court imposed a fine of \$50 against each of the three defendants, but remitted payment in view of the fines imposed against the same defendants in the case reported in notice of judgment No. 27803.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27805. Adulteration of butter. U. S. v. 8 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 40188. Sample Nos. 38551-C, 38555-C.)**

This product contained less than 80 percent of milk fat.

On August 17, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 10, 1937, by the Staunton Creamery from Staunton, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On August 24, 1937, the Staunton Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27806. Adulteration of butter. U. S. v. 16 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 40189. Sample No. 38552-C.)**

This product contained less than 80 percent of milk fat.

On August 17, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 tubs of butter at New York, N. Y., alleging that it had been shipped in interstate commerce on or about August 9, 1937, by the Orange Creamery from Orange, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On August 24, 1937, the Orange Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27807. Adulteration of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 40190. Sample No. 38553-C.)**

This product contained less than 80 percent of milk fat.

On August 17, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 tubs of butter at New York, N. Y., alleging that it had been shipped in interstate commerce on or about August 12, 1937, by the Bedford Creamery from Bedford, Va., and charging adulteration in violation of the Food and Drugs Act.